

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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BATTLE MOUNTAIN BAND of the TE-
MOAK TRIBE of WESTERN SHOSHONE
INDIANS,

Plaintiff,

v.

UNITED STATES BUREAU OF LAND
MANAGEMENT, and JILL C. SILVEY,

Defendants.

3:16-CV-0268-LRH-WGC

ORDER

Before the court is plaintiff the Battle Mountain Band of the Te-Moak Tribe of Western Shoshone Indians' ("Battle Mountain Band") motion to seal transcript. ECF No. 75.

As an initial matter, the court is acutely cognizant of the presumption in favor of public access to papers filed in the district court. *See Hagestad v. Tragesser*, 49 F.3d 1430, 1434 (9th Cir. 1995). Therefore, a party seeking to file materials under seal bears the burden of overcoming that presumption by showing that the materials are covered by an operative protective order and are also deserving of confidentiality. *See Foltz v. State Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122, 1135 (9th Cir. 2005). Specifically, a party must "articulate compelling reasons supported by specific factual findings that outweigh the general history of access and the public policies favoring disclosure." *Kamakana, City and County of Honolulu*, 447 F.3d 1172, 1179 (9th Cir. 2006) (internal citations omitted).

1 Here, the Battle Mountain Band seeks to seal the transcript from the June 2, 2006 court
2 hearing (ECF No. 72) on its motion for preliminary injunction filed on June 29, 2016. *See* ECF
3 No. 74. The Battle Mountain Band contends that the transcript contains information already
4 determined by the court to be sensitive and confidential in nature and that has already been sealed
5 in the parties' various filings. The court has reviewed the transcript and agrees. Therefore, the court
6 finds that the Battle Mountain Band has satisfied its burden to show compelling reasons for filing
7 the transcript under seal. Accordingly, the court shall grant the Battle Mountain Band's motion.

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9 IT IS THEREFORE ORDERED that plaintiff's motion to seal (ECF No. 74) is GRANTED.
10 The clerk of court shall SEAL the transcript of the court's June 2, 2016 hearing filed on June 29,
11 2016 (ECF No. 72).

12 IT IS FURTHER ORDERED that the court reporter shall file a redacted copy of the
13 transcript for the public record which redacts the sensitive and confidential information identified
14 by plaintiff.

15 IT IS SO ORDERED.

16 DATED this 1st day of August, 2016.

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18 LARRY R. HICKS
UNITED STATES DISTRICT JUDGE